

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

FELIX VANSLYKE, JR.,

Defendant.

CR 16-58-GF-BMM-JTJ

**FINDINGS AND  
RECOMMENDATIONS**

**I. Synopsis**

Defendant Felix Vanslyke, Jr. (Vanslyke) has been accused of violating the conditions of his supervised release. Vanslyke admitted the alleged violation.

Vanslyke's supervised release should be revoked. Vanslyke should receive a custodial sentence of time served, with 35 months of supervised release to follow.

Vanslyke should begin his term of supervised release on home confinement.

Vanslyke should be restricted to his residence at all times except for activities pre-approved by his probation officer. Vanslyke should be placed in a residential re-entry center on the earliest possible date. Vanslyke should serve up to 180 days in a residential re-entry center, as directed by his probation officer.

## **II. Status**

Vanslyke pleaded guilty to being a Felon in Possession of a Firearm on March 21, 2017. (Doc. 20). The Court sentenced Vanslyke to 30 months of custody, followed by 3 years of supervised release. (Doc. 25). Vanslyke's current term of supervised release began on May 13, 2020. (Doc. 40 at 1).

### **Petition**

The United States Probation Office filed a Petition on August 9, 2021, requesting that the Court revoke Vanslyke's supervised release. (Doc. 40). The Petition alleged that Vanslyke had violated the conditions of his supervised release by consuming alcohol.

### **Initial appearance**

Vanslyke appeared before the undersigned for his initial appearance on August 31, 2021. Vanslyke was represented by counsel. Vanslyke stated that he had read the petition and that he understood the allegations. Vanslyke waived his right to a preliminary hearing. The parties consented to proceed with the revocation hearing before the undersigned.

### **Revocation hearing**

The Court conducted a revocation hearing on August 31, 2021. Vanslyke admitted that he had violated the conditions of his supervised release by

consuming alcohol. The violation is serious and warrants revocation of Vanslyke's supervised release.

Vanslyke's violation is a Grade C violation. Vanslyke's criminal history category is V. Vanslyke's underlying offense is a Class C felony. Vanslyke could be incarcerated for up to 24 months. Vanslyke could be ordered to remain on supervised release for up to 36 months, less any custody time imposed. The United States Sentencing Guidelines call for a term of custody of 7 to 13 months.

### **III. Analysis**

Vanslyke's supervised release should be revoked. Vanslyke should receive a custodial sentence of time served, with 35 months of supervised release to follow. This sentence is sufficient but not greater than necessary. Vanslyke should begin his term of supervised release on home confinement. Vanslyke should be restricted to his residence at all times except for activities pre-approved by his probation officer. Vanslyke should be placed in a residential re-entry center on the earliest possible date. Vanslyke should serve up to 180 days in a residential re-entry center, as directed by his probation officer.

### **IV. Conclusion**

The Court informed Vanslyke that the above sentence would be recommended to United States District Judge Brian Morris. The Court also

informed Vanslyke of his right to object to these Findings and Recommendations within 14 days of their issuance. The Court explained to Vanslyke that Judge Morris would consider a timely objection before making a final determination on whether to revoke his supervised release and what, if any, sanction to impose.

Vanslyke stated that he wished to waive his right to object to these Findings and Recommendations, and that he wished to waive his right to allocute before Judge Morris.

The Court **FINDS:**

That Felix Vanslyke, Jr. violated the conditions of his supervised release consuming alcohol.

The Court **RECOMMENDS:**

That the District Court revoke Vanslyke's supervised release and commit Vanslyke to the custody of the United States Bureau of Prisons for a term of time served, with 35 months of supervised release to follow. Vanslyke should begin his term of supervised release on home confinement. Vanslyke should be restricted to his residence at all times except for activities pre-approved by his probation officer. Vanslyke should be placed in a residential re-entry center on the earliest possible date. Vanslyke should serve up to 180 days in a residential re-entry center, as directed by his probation officer.

**NOTICE OF RIGHT TO OBJECT TO FINDINGS AND  
RECOMMENDATIONS AND CONSEQUENCES OF FAILURE TO OBJECT**

The parties may serve and file written objections to the Findings and Recommendations within 14 days of their entry, as indicated on the Notice of

Electronic Filing. 28 U.S.C. § 636(b)(1). A United States district court judge will make a de novo determination regarding any portion of the Findings and Recommendations to which objection is made. The district court judge may accept, reject, or modify, in whole or in part, the Findings and Recommendations. Failure to timely file written objections may bar a de novo determination by the district court judge, and may waive the right to appear and allocute before a district court judge.

DATED this 2nd day of September, 2021.



John Johnston  
United States Magistrate Judge